

02 13 0000 2494

SHELL
NEW C

478A.TXR000002964 0001
LONGVIEW BRASS & ALUMINUM CO.
LONGVIEW, TX 75607



0000137070

HZ/RC/NT

478A.TXR000002964 0001

T

9

6

4

02 13 0000 2495

**EPA RECORDS CENTER
INFILING COVER SHEET**

NAME

J. Scott

DATE

4/20/88

PHONE

82250

MAIL CODE

GEN-#1

EPA IDENTIFICATION NUMBER

+XR 000002964

NAME OF FACILITY

Longview Brown + Aluminum Co.

FILE TYPE

Env -

624-HT

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LONGVIEW BRASS AND
ALUMINUM COMPANY, BILL
COLEY AND ALTON COLEY
SWR NO. 83214

§
§
§
§
§
§
§

BEFORE THE

TEXAS NATURAL RESOURCE

CONSERVATION COMMISSION

AGREED ORDER
DOCKET NO. 95-1087-IHW-E

I. JURISDICTION AND STIPULATIONS

At its NOV 28 1997 agenda, the Texas Natural Resource Conservation Commission ("the Commission" or "TNRCC") considered this agreement of the parties, resolving an enforcement action regarding Longview Brass and Aluminum Company ("LB&AC"), Bill Coley and Alton Coley under the authority of the Texas Solid Waste Disposal Act, TEX. HEALTH & SAFETY CODE Chapter 361 ("the Act") and TEX. WATER CODE Chapter 26 ("the Code"). The Executive Director of the TNRCC, represented by the Litigation Support Division, and LB&AC, Bill Coley and Alton Coley, represented by Kerry N. Cammack of the law firm of Cammack & Strong, appear before the Commission and together stipulate that:

1. LB&AC owns and operates a brass and aluminum foundry at 4217 Estes Parkway, Longview, Gregg County, Texas ("the Facility").
2. The Facility involves the management and disposal of industrial solid and hazardous waste as defined in the Act.
3. Bill Coley and Alton Coley own the real property at 4217 Estes Parkway, Longview, Gregg County, Texas, upon which LB&AC exists.
4. The Commission, LB&AC, Bill Coley and Alton Coley agree that the Commission has jurisdiction to enter this Agreed Order, and that LB&AC, Bill Coley and Alton Coley are subject to the Commission's jurisdiction.
5. LB&AC, Bill Coley and Alton Coley received notice of the violations alleged in Section II ("Allegations") on or about July 27, 1995.

LB&AC, Bill Coley and Alton Coley

DOCKET NO. 95-1087-IHW-E

Page 2

6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by LB&AC, Bill Coley or Alton Coley of any violation alleged in Section II ("Allegations") nor of any statute or rule.
7. The Financial Assurance Section of the Commission's Financial Administration Division ("Financial Assurance") reviewed financial documentation submitted by LB&AC and determined that LB&AC is not able to pay the full administrative penalties assessed in this matter. Financial Assurance also determined that LB&AC's ability to pay administrative penalties is dependent upon the cost of remediation and other corrective action required under the terms of this Agreed Order.
8. Administrative penalties in the amount of FIFTY THOUSAND FOUR HUNDRED FORTY DOLLARS (\$50,440.00) are assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). FIFTEEN THOUSAND FOUR HUNDRED FORTY DOLLARS (\$15,440.00) of the administrative penalty is deferred contingent upon LB&AC's, Bill Coley's and Alton Coley's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If LB&AC, Bill Coley or Alton Coley fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require LB&AC, Bill Coley or Alton Coley to pay all or part of the deferred penalty.

The remaining THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00) of the administrative penalty will be paid in twenty-four (24) monthly payments. The first twenty-three (23) monthly payments will be in the amount of ONE THOUSAND DOLLARS (\$1,000.00) each. The twenty-fourth (24th) and final payment will be in the amount of TWELVE THOUSAND DOLLARS (\$12,000.00). The first monthly payment is due within thirty (30) days of the effective date of this Agreed Order and the twenty-three (23) remaining payments are each due within thirty (30) days after the previous payment. If LB&AC, Bill Coley or Alton Coley fail to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may require LB&AC, Bill Coley or Alton Coley to pay in full the unpaid administrative penalty upon request, including any deferred amounts.

9. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
10. The Executive Director of the TNRCC, LB&AC, Bill Coley and Alton Coley have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 3

11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that LB&AC, Bill Coley or Alton Coley have not complied with one or more of the terms or conditions in this Agreed Order.
12. This Agreed Order is not intended to become a part of LB&AC's, Bill Coley's or Alton Coley's compliance history.
13. This Agreed Order shall terminate five years from its effective date or upon compliance with all terms and conditions set forth in this Agreed Order, whichever is later.
14. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

LB&AC, as owner and operator of the Facility, and Bill Coley and Alton Coley, as owners of the real property at issue, are alleged to have violated:

1. 30 TEX. ADMIN. CODE §§ 335.2, and 335.43(a), and 40 Code of Federal Regulations (C.F.R.) §270.1(c) by failing to secure a permit for the disposal of hazardous waste in the on-site landfill and the storage/disposal of hazardous waste in the Facility's Pile No. 1;
2. 30 TEX. ADMIN. CODE §335.4 and the Code §26.121 by managing wastes and products in the on-site landfill, by managing wastes and products in the Facility's Pile Nos. 1, 2, and 3, and by discharging roofing compound containers onto the ground, in such a manner that creates an imminent threat of discharge of industrial solid waste and hazardous waste into, or adjacent to, waters in the state;
3. 30 TEX. ADMIN. CODE §335.5 by failing to deed record the Facility's landfill prior to the disposal of industrial solid waste;
4. 30 TEX. ADMIN. CODE §335.112(a)(1), (2), (3), (4), and (13) [incorporating by reference 40 C.F.R. §§ 265.16, 265.37(a)(1), (3), 265.51, 265.13, 265.73, 265.14(a), (c), 265.15, and 265.301], by failing to have an adequate personnel training program; failing to have an adequate emergency response plan; failing to have an adequate contingency plan; failing to have an adequate waste analysis plan; failing to maintain an adequate operating record; failing to secure landfill by proper methods; failing to provide sufficient warning; failing to provide a proper inspection schedule; and failing to design and operate the landfill according to applicable requirements;

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 4

5. 30 TEX. ADMIN. CODE §335.62 and 40 C.F.R. §262.11 by failing to perform hazardous waste determinations on all of the waste streams generated at the Facility;
6. 30 TEX. ADMIN. CODE §335.6 by failing to provide proper notification to the TNRCC of the Facility's industrial waste generation activities;
7. 30 TEX. ADMIN. CODE §335.9(a)(1) by failing to keep records of all hazardous waste and industrial solid waste activities regarding the quantities generated, stored, processed, or disposed of in the on-site landfill or managed in the Facility's Piles Nos. 1 and 2 on-site;
8. 30 TEX. ADMIN. CODE §335.63(a) and 40 C.F.R. §262.12 by failing to obtain an EPA identification number prior to storing or disposing of the hazardous waste generated at the Facility;
9. 30 TEX. ADMIN. CODE §335.431 and 40 C.F.R. §268.7 by failing to take the proper measures, specifically, by failing to provide hazardous waste determinations and recent sample data from wastes being generated on-site and being disposed of in the on-site landfill, to determine compliance with the Land Disposal Restrictions; and
10. 30 TEX. ADMIN. CODE §335.69(a)(3) and 40 C.F.R. §262.34(a)(3) by failing to properly label a drum of naphtha with the words, "hazardous waste."

III. DENIALS

LB&AC, Bill Coley and Alton Coley generally deny each allegation in Section II ("Allegations").

IV. ORDER

1. It is, therefore, ordered by the TNRCC that LB&AC, Bill Coley and Alton Coley pay administrative penalties as set forth in Section I, Paragraph 8, above. The imposition of these administrative penalties and LB&AC's, Bill Coley's and Alton Coley's compliance with all the terms and conditions set forth in this Agreed Order resolve only those matters described here. The Commission shall not be constrained in any manner from considering requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be sent with the notation "Re: Longview Brass & Aluminum Company, Bill Coley and Alton Coley, Docket No. 95-1087-IHW-E" to:

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 5

Financial Administration Division, Revenues
Attention: Cashier's Office, MC-214
Texas Natural Resource Conservation Commission
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that LB&AC, Bill Coley and Alton Coley shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall cease any unauthorized on-site disposal and unauthorized on-site storage of industrial solid and hazardous waste for which a permit or other authorization from the TNRCC is required by 30 TEX. ADMIN. CODE §§ 335.2, and 335.43(a), and 40 C.F.R. Section 270.1(c).
 - b. Within thirty (30) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall dispose of all hazardous waste which has been stored on-site for more than ninety (90) days at an authorized facility.
 - c. LB&AC, Bill Coley and Alton Coley shall immediately upon the effective date of this Agreed Order (or as indicated below), comply with the requirements of 30 TEX. ADMIN. CODE §335.112(a)(1), (2), (3), (4), (13); and 40 C.F.R. §§ 265.16; 265.37(a)(1), (3); 265.51; 265.13; 265.73; 265.14(a), (c); 265.15; and 265.301 regarding standards applicable to owners and operators of hazardous waste storage, treatment and disposal facilities. Those requirements include, but are not limited to, the following:
 - i. Within thirty (30) days of the effective date of this Agreed Order, LB&AC shall prepare and implement a training program designed to prepare Facility personnel to perform their duties in a manner that ensures the Facility's compliance with the requirements of 40 C.F.R. Part 265, which includes, but is not limited to, the ability to respond effectively to emergencies and familiarity with emergency procedures, emergency equipment, and emergency systems;
 - ii. Within thirty (30) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall notify the local authorities (the police and fire departments along with hospitals and emergency responders), of the types of hazardous waste and hazardous waste facilities on-site and the properties of hazardous wastes managed by the Facility;

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 6

- iii. Within thirty (30) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall make arrangements with the local response authorities and hospitals, State emergency response teams, emergency response contractors, equipment suppliers, and authorities concerning emergencies at the facility;
 - iv. Within thirty (30) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall prepare and implement a contingency plan designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water;
 - v. Within thirty (30) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall prepare and implement a waste analysis plan describing the procedures which it/he/they will carry out in obtaining a detailed chemical and physical analysis of a representative sample of any hazardous and nonhazardous waste that it/he/they treat, store, or dispose;
 - vi. Immediately upon the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall begin maintaining an operating record detailing specific types, quantities, dates, and locations of the hazardous waste disposed in the landfill and in Pile No. 1 located at the site;
 - vii. Within fifteen (15) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall secure the on-site landfill by fences or barriers sufficient to minimize the entry of persons and livestock;
 - viii. Within fifteen (15) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall post warning signs with the words "Danger -- Unauthorized Persons Keep Out!" around the active portions of the Facility landfill; and
 - ix. Within thirty (30) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall prepare and implement an inspection schedule for inspecting the landfill for malfunctions and deterioration, operation errors, and discharges.
- d. Immediately upon the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall cease all waste and product management activities which are being conducted in a manner that creates an imminent threat of discharge of

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 7

hazardous or industrial solid waste or any other product or pollutant into, or adjacent to, the waters in the state. Further, immediately upon the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall manage all waste materials in a manner so as to comply with the requirements of 30 TEX. ADMIN. CODE § 335.4 and Section 26.121 of the Code. Specifically, LB&AC, Bill Coley and Alton Coley shall comply with the following:

- i. Cease the disposal of any hazardous waste or industrial solid waste in the on-site landfill;
 - ii. Cease the storage of any hazardous waste or industrial solid waste in Pile No. 1; and
 - iii. Take the proper measures to ensure that all wastes generated at the Facility, including roofing compound and roofing compound containers, are properly handled and disposed.
- e. Unless conducted in a manner that allows no threats or releases into, or adjacent to, the waters in the state, LB&AC, Bill Coley and Alton Coley shall cease the following waste and product management activities:
- i. Management of waste in Pile No. 2; and
 - ii. Management of product in Pile No.3.
- f. Within thirty (30) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall construct interim run-on and runoff control systems for the on-site landfill to be in place until final closure of the landfill occurs.
- g. LB&AC, Bill Coley and Alton Coley shall deed record with the Gregg County deed records office the landfill which is being operated on-site, as required by the Risk Reduction Rules as outlined in 30 TEX. ADMIN. CODE Subchapter S, and provide the appropriate documentation as required by Section IV (Order), Paragraph 2(q) below.
- h. Within thirty (30) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall perform hazardous waste determinations on all wastes generated at the facility as required by 30 TEX. ADMIN. CODE §335.62 and 40 C.F.R. §262.11. Specifically, LB&AC, Bill Coley and Alton Coley shall perform these determinations on the waste streams identified below:

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 8

- i. Waste stored in Pile No. 1;
 - ii. Waste stored in Pile No. 2;
 - iii. Spent molding sand and burnt sand cores;
 - iv. Broken unused sand cores disposed in the landfill;
 - v. Aluminum and brass scrap sent for recycling;
 - vi. Aluminum and brass grinding fines;
 - vii. Turret-lathe cuttings;
 - viii. Spent turret-lathe cutting fluid;
 - ix. Empty paint containers;
 - x. Used oil from forklifts and vehicles;
 - xi. Used batteries from forklifts and equipment;
 - xii. Spent lubricants from plant hydraulic equipment;
 - xiii. White roofing compound spilled on ground;
 - xiv. Empty product drums (sizing material, lubricants, parts washer solvent);
 - xv. Plant trash, packaging material, broken pallets, and boxes; and
 - xvi. Office waste.
- I. Within forty-five (45) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall notify the Executive Director of all hazardous and industrial solid waste management activities in accordance with 30 TEX. ADMIN. CODE §335.6. Specifically, LB&AC, Bill Coley and Alton Coley shall:
- i. Notify the Executive Director of its/his/their industrial waste generation activities and hazardous waste generator status; and
 - ii. Provide the Executive Director with a detailed description of all wastes

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 9

managed on-site [including the waste streams listed in Section IV (Order), Paragraph 2(h) above], and all waste management procedures.

- j. Immediately upon the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall begin keeping records of all hazardous waste and industrial solid waste activities in accordance with 30 TEX. ADMIN. CODE §335.9(a)(1).
- k. Within forty-five (45) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall apply process knowledge and conduct the appropriate testing to determine if any wastes generated at the site are restricted from land disposal as required by 30 TEX. ADMIN. CODE §335.431 and 40 C.F.R. §268.7.
- l. Immediately upon the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall clearly mark all containers of hazardous waste with the words "hazardous waste" as required by 30 TEX. ADMIN. CODE §335.69(a)(3) and 40 C.F.R. §262.34(a)(3).
- m. Within sixty (60) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall submit to the Executive Director for review, possible modification, and approval, a complete Site Remedial Investigation Plan for the facility, as per 30 TEX. ADMIN. CODE Subchapter S (Risk Reduction Rules). The purpose of the plan is to determine if soil and/or groundwater contamination exists at the site and to determine the extent, both areal and vertical, of any soil contamination and to determine if groundwater contamination exists at the site. Excluding the on-site landfill and Pile No. 1, this plan will address all areas in which the industrial solid or hazardous waste discharges have occurred. This includes, but is not limited to, Pile Nos. 2 and 3, and the areas where the roofing compound and roofing compound containers were discharged. The plan should include at a minimum:
 - i. The identity of each waste or substance which has been disposed at each area. Each waste shall be characterized, by testing and/or process knowledge, with respect to hazardous and nonhazardous classification and its major hazardous chemical constituents as listed in Appendix VIII of 40 C.F.R. Part 261;
 - ii. A description of any possible or probable environmental impacts which may be associated with each area where disposal activities occurred;
 - iii. The steps LB&AC, Bill Coley and Alton Coley will take to determine the extent of any soil contamination and to determine if groundwater

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 10

contamination is present at the site, including a sampling protocol, identification of sampling locations, chemical parameters to be analyzed for, sample preservation and shipment, chain of custody control, the number of samples to be collected at each location, and the analytical methods to be used;

- iv. A detailed map drawn to scale of not less than 1" = 40' that describes the location of the sampling and the location of all discharge/disposal areas; and
- v. A detailed schedule of implementation of the Site Remedial Investigation Plan including a schedule for submittal of a Site Remedial Investigation Report.
- n. Upon receipt of written approval by the Executive Director of the Site Remedial Investigation Plan, LB&AC, Bill Coley and Alton Coley shall implement the Site Remedial Investigation Plan, including any modifications made to the plan by the Executive Director, in accordance with the approved schedule contained within the plan.
- o. Within sixty (60) days of completion of the Site Remedial Investigation Plan LB&AC, Bill Coley and Alton Coley shall submit a Site Remedial Investigation Report, in accordance with 30 TEX. ADMIN. CODE Subchapter S (Risk Reduction Rules), to the Executive Director. The Site Remedial Investigation Report shall summarize the findings of this study, including all analytical results, maps delineating the extent of the contamination, geologic cross-sections, and boring logs from soil sampling.
- p. Within sixty (60) days of receiving concurrence by the Executive Director that the vertical and horizontal extent of contamination has been adequately assessed, LB&AC, Bill Coley and Alton Coley shall submit to the Executive Director for approval, or approval with modifications, a Remediation Plan indicating the Risk Reduction Standard to which the contaminated media or medias will be cleaned, pursuant to 30 TEX. ADMIN. CODE Subchapter S (Risk Reduction Standards). Specifically, the plan shall address the areas where the roofing compound and roofing compound containers were discharged. The plan shall also address all areas where releases have occurred as revealed by the Site Remedial Investigation Report. The proposal shall also include the following information:
 - i. If Risk Reduction Standard #1 is chosen, the proposal shall include a corrective action plan which discusses, in detail, the method or methods to be taken to comply with 30 TEX. ADMIN. CODE §335.554 (Attainment of

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 11

Risk Reduction Standard Number 1: Closure / Remediation to Background). A detailed schedule of implementation shall also be included;

- ii. If Risk Reduction Standard #2 is chosen, the proposal shall include a corrective action plan which discusses, in detail, the procedures used to determine site cleanup levels pursuant to 30 TEX. ADMIN. CODE §335.556 (Determination of Cleanup Levels for Risk Reduction Standard Number 2), and the method or methods to be taken to comply with 30 TEX. ADMIN. CODE §335.555 (Attainment of Risk Reduction Standard Number 2: Closure / Remediation to Health-Based Standards and Criteria). A detailed schedule of implementation shall also be included;
- iii. If Risk Reduction Standard #3 is chosen, the proposal shall include a Baseline Risk Assessment pursuant to 30 TEX. ADMIN. CODE §335.553(b)(2) and a Corrective Measures Study pursuant to 30 TEX. ADMIN. CODE §335.553(b)(3). A detailed schedule of implementation shall also be included.

Upon receiving written approval of the Remediation Plan by the Executive Director, remediation shall begin according to the approved schedule.

- q. Within sixty (60) days of completing remediation, LB&AC, Bill Coley and Alton Coley shall submit to the Executive Director a final report, in accordance with 30 TEX. ADMIN. CODE Subchapter S (Risk Reduction Rules), for approval, or approval with modifications, which describes the remedial actions taken to achieve the chosen cleanup standard and provides evidence documenting that the chosen cleanup level has been attained. If either Risk Reduction Standards #2 or #3 are chosen, the final report shall also include deed recordation documentation, and a post-closure plan, if applicable.
- r. Within ninety (90) days of the effective date of this Agreed Order, LB&AC, Bill Coley and Alton Coley shall submit to the Executive Director a Closure Plan for review, possible modification, and approval for the on-site landfill, which has been allegedly used to dispose hazardous waste, and for Pile No. 1, which has been allegedly used to store hazardous waste. The closure plan shall be submitted in accordance with the requirements specified in 30 TEX. ADMIN. CODE §335.118 (a), and Subchapter S (Risk Reduction Standards), and shall describe, in detail, procedures for achieving and verifying the removal or treatment of all hazardous waste from the landfill and Pile No. 1 and shall also address any surrounding contaminated soils. The Closure Plan shall address, at a minimum, the following:

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 12

- i. Identification and characterization of each waste managed in the landfill and Pile No. 1;
 - ii. The volume of waste contained in the landfill and Pile No. 1 at the commencement of removal and/or treatment;
 - iii. The procedures which will be used to verify removal and/or treatment of all hazardous waste in the landfill and Pile No. 1;
 - iv. The disposition of any wastes removed during closure;
 - v. The procedures for decontaminating equipment used in the closure;
 - vi. The steps to determine the extent of contamination, if any, which may be associated with the landfill and/or Pile No. 1. This shall include a sampling protocol which identifies the location of sampling points, how samples are taken, how many samples are to be taken at each point, constituents of concern and the analytical methods used;
 - vii. A closure implementation schedule, not to exceed one hundred eighty (180) days from receipt of written approval of the closure plan by the Executive Director; and
 - viii. The requirement that all closure activities are carried out under the supervision of an independent Texas Registered Professional Engineer who shall submit certification of closure to the Executive Director within thirty (30) days of completion of closure activities for the landfill and Pile No. 1.
- s. Upon receipt of written approval by the Executive Director of the Closure Plan specified in Section IV (Order), Paragraph 2(r) above, LB&AC, Bill Coley and Alton Coley shall implement the approved Closure Plan, including any modifications made by the Executive Director, in accordance with its approved schedule. Within thirty (30) days of the completion of all closure activities, LB&AC, Bill Coley and Alton Coley shall submit certification, together with the certification by an independent Texas Registered Professional Engineer, that closure was performed in accordance with the approved Closure Plan.
- t. If all hazardous waste constituents associated with the closure of the hazardous waste landfill and/or Pile No. 1 at LB&AC are not completely removed or decontaminated during the closure activities, LB&AC, Bill Coley and Alton Coley will be required to submit to the Executive Director for review, possible

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 13

modification, and approval a Post-Closure Plan addressing post-closure care of the landfill and/or Pile No. 1. If the Executive Director determines that a post-closure care permit is required, LB&AC, Bill Coley and Alton Coley shall submit, within sixty (60) days of written notification from the Executive Director, an administratively and technically complete post-closure care permit application.

- u. If, at any time during any of the investigations, groundwater is suspected or verified to have been impacted by the discharges at the Facility, the TNRCC shall be notified within twenty-four (24) hours in order for the Commission to provide further directives to address impacted groundwater.
- v. LB&AC, Bill Coley and Alton Coley shall implement any directives within the time frames specified by the Executive Director.
- w. If the Executive Director determines that additional information or additional action is required to determine if adequate remediation of all contaminated areas has been completed, LB&AC, Bill Coley and Alton Coley shall submit additional information to, or perform additional action as requested by, the Executive Director upon written request. If LB&AC, Bill Coley and Alton Coley disagree that such additional information or additional action is necessary, LB&AC, Bill Coley and Alton Coley must, within ten (10) days of the receipt of the Executive Director's written request, submit to the Executive Director a written explanation providing the specific reasons for LB&AC's, Bill Coley's or Alton Coley's disagreement. If, after LB&AC, Bill Coley and Alton Coley submit a disagreement in writing as provided by this paragraph, the Executive Director again determines that additional information or additional action is required to determine if adequate remediation of all contaminated areas has been completed, LB&AC, Bill Coley and Alton Coley shall then submit the additional information to, or perform the additional action as requested by, the Executive Director as was originally requested, or as modified based upon a review of LB&AC's written explanation of disagreement. The submission of a disagreement in writing by LB&AC, Bill Coley and Alton Coley as provided by this paragraph does not otherwise release LB&AC, Bill Coley or Alton Coley from any other requirement imposed by this Agreed Order, or any other duty imposed by law. If LB&AC, Bill Coley and Alton Coley do not submit a written explanation within ten (10) days as provided by this paragraph, LB&AC, Bill Coley and Alton Coley shall submit the information or perform the action as described in the Executive Director's written request.
- x. LB&AC, Bill Coley and Alton Coley shall notify the TNRCC Tyler Regional Office a minimum of ten (10) working days prior to any sampling or cleanup activities to be conducted at the site.

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 14

3. All correspondence, reports and documentation required to be submitted by this section shall be sent to the following address, with a copy to the Tyler Regional Office:

Mohammed Moheeth
Enforcement Division, Waste Section
Texas Natural Resource Conservation Commission
P.O. Box 13087, MC-128
Austin, Texas 78711-3087

Michael Brashear, Waste Program Manager
Tyler Regional Office
Texas Natural Resource Conservation Commission
2916 Teague Drive
Tyler, Texas 75701-3756

4. The provisions of this Agreed Order shall apply to and be binding upon LB&AC, Bill Coley and Alton Coley. LB&AC, Bill Coley and Alton Coley are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over Facility operations referenced in this Agreed Order.
5. If LB&AC, Bill Coley or Alton Coley fail to comply with any of the technical requirements in this Agreed Order within the prescribed schedules, and that failure is caused by an Act of God, war, act or omission of a third person, liability that would otherwise be imposed by the Act for a violation of the terms of this Agreed Order shall not be imposed upon LB&AC, Bill Coley or Alton Coley, as long as LB&AC, Bill Coley and Alton Coley meet the conditions in Section 361.275 of the Act. LB&AC, Bill Coley and Alton Coley shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. LB&AC, Bill Coley and Alton Coley shall notify the Executive Director within seven (7) days after LB&AC, Bill Coley or Alton Coley become aware of a delaying event and shall take all reasonable measures to mitigate and minimize the delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by LB&AC, Bill Coley or Alton Coley shall be made in writing to the Executive Director. Extensions are not effective until LB&AC, Bill Coley or Alton Coley receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 15

7. This Agreed Order, issued by the Commission, shall not be admissible against LB&AC, Bill Coley or Alton Coley in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
8. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the mailing date, as provided by Rule 30 TEX. ADMIN. CODE Section 70.10(b).

02 13 0000 25 11

LB&AC, Bill Coley and Alton Coley
DOCKET NO. 95-1087-IHW-E
Page 16

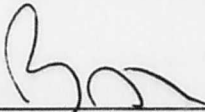
EFFECTIVE DATE

AUG 29 1997

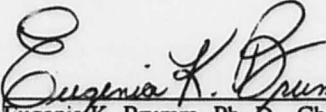
SIGNATURE PAGE

OF THE ORDER

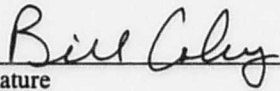
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION


Barry R. McBee, Chairman

ATTEST:


Eugenia K. Brumm, Ph.D., Chief Clerk

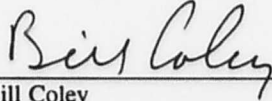
I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.


Signature

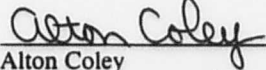
7-17-97
Date

BILL COLEY
Name (Printed or typed)
Authorized representative of
Longview Brass & Aluminum Company

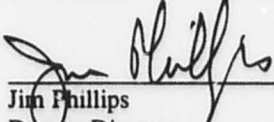
PRESIDENT
Title


Bill Coley

7-17-97
Date


Alton Coley

7/17/97
Date


Jim Phillips
Deputy Director
Office of Legal Services
Texas Natural Resource Conservation Commission

7/23/97
Date

Instructions: Send this signed, original Signature Page and Agreed Order with penalty payment to the Financial Administration Division Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

NON-NOTIFIER REQUEST FORM

NON-NOTIFIER ASSIGNMENT

TWC ID: Not Listed YES NO 1
 EPA ID: Not Listed YES NO 1
 (UNDERLINE IN BOLD)
 ACTIVITY TYPE: TS LM LQG-1 SUG-2 CROG-3
 TRANSPORTER-1 ISM NSM NON NON-UNUSUAL
 STATE STATUS DESC: S- Solid Waste Generator Only
 E- Handler Status Not Yet Defined

FACILITY NAME: Longview Brass & Aluminum Company

MAILING ADDRESS: E.O. Box 7038

Longview, TX, 75607

*SITE ADDRESS: 4217 Estes Parkway

Longview, Texas 75607

REGION: 5 COUNTY: Greene

* SITE ADDRESS cannot be a rural route or box number
 must be the physical address of the
 and it must be able to be located on
 based upon description.

* POSSIBLE SUPERFUND SITE YES 11 NO

NAME CHANGE REQUEST:

TWC ID:

EPA ID:

OLD FACILITY NAME:

NEW FACILITY NAME:

REQUESTED BY:

DATE:

Page 2 of 2

04/08/95 10:01 0512 230 0401

INRCC FIELD OPS

001

Page 2 of 2	Page 1 of 2
Facility Name	Facility Name
Co: <u>Longview Brass & Aluminum Co.</u>	Co: <u>Longview Brass & Aluminum Co.</u>
Phone #	Phone #
Fax #	Fax #

Fax Transmittal Memo

To: <u>Mr. [unclear]</u>	From: <u>Sweet</u>
Co: <u>Good</u>	Co: <u>Good</u>
Dept: <u>3/4 665</u>	Phone #
Fax # <u>6410</u>	Fax # <u>6410</u>

000000

LONGVIEW BRASS & ALUMINUM COMPANY

4217 ESTES PARKWAY
LONGVIEW TEXAS

75607

AJAP:
 Review
 ESC subject

DHS

TXR 00002964

11/16

02:13 0000 25 13

04-00-96 10:51

0312 238 040-1

TNRCC FIELD OPS

0002

TWC ID: Not Listed EPA ID: None
 FACILITY NAME: Lockview Brass & Aluminum Company
 ADD: LO DELIST: LO, TS, LQG, SOG TO: SOG, TS
 example: LO, TS LQG, SOG LD, TS
LD, LQG LD, TS
SOG

PROCESS TYPE:

(UNDERLINE/ bold THE APPROPRIATE PROCESS TYPE)
 Each code in parenthesis can only be applied
 to the process type that appears with it.

PROCESS TYPE	POSSIBLE UNITS OF MEASURE	PROCESS TYPE	POSSIBLE UNITS OF MEASURE
D79-NM9 (G, L, U, V)	SOL-C (G, L)	TOL-Y (U, V)	(U, V)
D80-LE (A, P)	SOL-T (G, L)	TOL-SI (U, V)	(U, V)
E81-IT (B, D, X, Z)	SOL-WP (Y, C)	TOL-I (D, W, E, R, R)	(D, W, E, R, R)
E82-CD (U, V)	SOL-SI (G, L)	TOL-OKh (D, W, U, V, R, S, J, R)	(D, W, U, V, R, S, J, R)
E83-SI (G, L)			

****CODES FOR POSSIBLE UNITS OF MEASURE:**

A-acre-feet	B-barrels
C-cubic feet	D-short tons per day
E-cubic meters	F-hectares
G-gallons per hour	H-kilograms per hour
I-gallons per hour	J-gallons per day
K-gallons	L-gallons per day
M-gallons per hour	N-metric tons per hour
O-pounds per hour	P-cubic yards
Q-BTU's per hour	
R-CAPACITY AMOUNT: An estimated 1,000 to 5,000 cubic yards of waste is in the onsite LF	
S-UNIT OF MEASURE USED: Y	

UNIT STATUS: (UNDERLINE/ bold)

- A - varied as actually existing add
- B - determined not to exist as a result of a subsequent investigation
- C - found to exist as a result of a subsequent investigation
- D - permitted, not yet under construction
- E - permitted, under construction
- F - previously operated, regulated, now unregulated

POSSIBLE SUPERFUND SITE YES NO
 REQUESTED BY: Robert R. DATE: 3/24/95